

REMARKS

This communication is in response to the final Office Action issued February 6, 2009, in which the Examiner:

- objected to claims 6 and 46 under 37 CFR 1.75 (c),
- rejected claims 4-8, 10-44, 46, and 48-53 under 35 USC 112, second paragraph as being indefinite,
- rejected claims 4, 6-8, 10-12, 14-18, 20-44, 46, 48-53, under 35 USC 103(a) as being unpatentable over OOKUCHI (JP 10295565) in view of BITZER (US 4,565,631),
- rejected claims 4, 6-8, 10-12, 14-18, 20-44, 46, 48-53, under 35 USC 103(a) as being unpatentable over YOKOSE (JP 8187191) in view of BITZER,
- rejected claims 13 and 19 under 35 USC 103(a) in view of OOKUCHI, BITZER and KYLE (US 4,604,203),
- rejected claims 13 and 19 under 35 USC 103(a) in view of OOKUCHI, BITZER and KYLE.

Claims 4, 6-8, 10-44, 46, and 48-53 were pending. By this amendment claims 4, 22, 23, 25, 30, 31, 32, 33, 34, 37, 38, 39, 48, 49, 50, 51, 52, and 53 have been amended, and claims 6, 15, 16, 17, 20, 36, 44, and 46 have been canceled. New claim 4 finds support in previous claims 4, 15, 16, 17, 36, and 44, and throughout the description and claims as originally filed.

Claim Objections – 37 CFR 1.75(c)

The Examiner rejected claims 6 and 46 under 37 CFR 1.75(c) as being of improper dependent form for failing to further limit the subject matter of a previous claim.

By this amendment claims 6 and 46 have been canceled. Accordingly, it is respectfully submitted that the Examiner's objection is rendered moot.

The Examiner objected to claims 48-51 under 37 CFR 1.75(c) as being of improper dependent form for failing to further the subject matter of a previous claim.

By this amendment claims 48-51 have been amended to include each and all of the features of claim 4. Accordingly, it is respectfully submitted that the Examiner's objection is rendered moot.

Claim Rejections – 35 USC § 112

The Examiner rejected claims 4, 6-8, 10-44, 46 and 48-53 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention.

By this amendment claim 4 has been amended. It is respectfully submitted that the Examiner's objection is rendered moot.

The Examiner rejected claims 23, 25, 30, 31 and 33-35 under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention, in particular, due to their dependency on canceled claim 5.

By this amendment the dependency of claims 23, 25, 30, 31 and 33-35 have been amended. It is therefore respectfully submitted that this rejection is rendered moot.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 4, 6-8, 12, 15, 16, 36-41, 44, 46, and 48-53 under 35 USC 103(a) as being unpatentable over OOKUCHI (JP 10295565) in view of BITZER (US 4,565,631).

Claim 4 now defines all of the features recited in amended claim 4, and in particular, provision of a single cup and filter body which comprises at least one annular cup means, and a filter support means comprising a single rigid body having an inner surface which at least in part closely fits with the discharge side surface of the filter means, wherein the filter support means also comprises at least one annular portion.

It is respectfully submitted that none of the prior art, whether taken alone or in combination, teach, hint or suggests the novel and inventive combination of features recited in independent claim 1. There is no suggestion in any of the prior art of the combination of an annular cup and filter body and an annular support.

Accordingly, it is respectfully submitted that the Examiner's rejection of claim 4 is rendered moot.

It is also respectfully submitted that the Examiner's rejection of dependent claims 6-8, 12, 15, 16, 36-41, 44, 46, and 48-53, is rendered moot, at least in view of their dependency upon allowable independent claim 4.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 4, 6-8, 12, 15, 16, 20, 22, 36-41, 44, 46, and 48-53 under 35 USC 103(a) as being unpatentable over YOKOSE (JP 8187191) in view of BITZER (US 4,565,631).

It is respectfully submitted that neither of these prior art documents, whether taken alone or in combination, teach, hint or suggest the novel and inventive combination of the features recited in fresh claim 4, and in particular, the combination of an annular cup and filter body, and an annular filter support therefore, wherein a self-seal is formed at an upper end therebetween, in use, the self-seal being caused by the liquid being filtered.

To suggest that the combination of features of fresh claim 4 is taught by either of these documents, whether taken alone or in combination, would be for the Examiner to embark upon an unallowable hindsight analysis situation with foreknowledge of the invention.

Accordingly, it is respectfully submitted that the Examiner's rejection of claim 4 is rendered moot.

It is also submitted that the rejection of claims 6-8, 12, 15, 16, 20, 22, 36-41, 44, 46, 48, and 54 are rendered moot at least in view of their dependency upon allowable claim 4, or the fact that they have been recast as independent claims, including all of the features involved.

Claim Rejections – 35 USC § 103

The Examiner rejected claims 10, 11, 14, 17, 18, 20-35, and 42-44, under 35 USC § 103(a) as being unpatentable over OOKUCHI (or YOKOSE) in view of BITZER et al. It is respectfully submitted that the Examiner's rejection of these claims is rendered moot, at least in view of their dependency upon allowable claim 4 (in case of claims 17, 20, 23, and 25). The rejections are rendered moot since these claims have been canceled.

Additional Fees

The commissioner is hereby authorized to charge any fees due or credit any overpayment associated with this application to Bingham McCutchen LLP Deposit Account No. 50-4047 (Order No. 7050392001).


Conclusion

In view of the foregoing, all of the Examiner's rejections of the claims are believed to be overcome. The Applicant respectfully request reconsideration and issuance of a Notice of Allowance for all claims. Should the Examiner feel further communication would help prosecution, the Applicant requests the Examiner to call the undersigned at the telephone number provided below.

Respectfully submitted,
BINGHAM MCCUTCHEN LLP

Dated: 2/3/09

By: _____


Robert C. Bertin, Registration No. 41,488
BINGHAM MCCUTCHEN LLP
2020 K Street, NW
Washington, D.C. 20006-1806
(202) 373-6000 Telephone
(202) 373-6001 Facsimile